

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**DONNA CURLING, ET AL.,
Plaintiffs,**

v.

**BRIAN KEMP, ET AL.,
Defendants.**

Civil Action No. 1:17-CV-2989-AT

**PROPOSED ORDER GRANTING COALITION PLAINTIFFS' MOTION
FOR PRELIMINARY INJUNCTION RELATING TO BMDS, SCANNING
AND TABULATING, AND AUDITING**

This matter is before the Court on the Coalition Plaintiffs' Motion For Preliminary Injunction Relating To BMDs, Scanning And Tabulating, And Auditing.

Upon considering the motion and supporting authorities, the response from the Defendants, and the evidence and pleadings of record, the Court finds that Coalition Plaintiffs are likely to succeed on the merits of their claims, that they will be irreparably harmed if this motion is not granted, that the balance of equities tip in Coalition Plaintiffs' favor, and that an injunction is in the public interest. *See Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008).

The Court accordingly GRANTS the motion.

IT IS ORDERED:

- (a) The State Defendants are hereby ENJOINED from enforcing O.C.G.A. § 21–2–300(a)(2), O.C.G.A. § 21–2–383(c), and any other law or regulation that compels in-person voters to vote on unauditble, secrecy-compromising, insecure, and deficiently tested ballot marking devices (BMDs), and SHALL INSTEAD CAUSE hand marked paper ballots to be used as the standard method of in-person voting;
- (b) The State Defendants are hereby ORDERED to promulgate any necessary election rule (1) to standardize required settings of Dominion precinct and central ballot scanners and related tabulation software to ensure that all perceptible votes written on mailed and hand marked paper ballots are either counted as votes or flagged for human review by a Vote Review Panel, (2) to require that Dominion scanner sensitivity settings and tabulation software settings be uniform across all counties, and (3) to require that any adjudication of ballot markings by the Vote Review Panel shall require a manual

audit log for a duplication of a ballot or a change in the Dominion system's counting of the ballot marks;

- (c) The State Defendants are hereby ORDERED to promulgate any necessary election rule to require meaningful pre-certification audits of election results, focusing on contested candidate races and ballot questions, with such auditing to be based on application of well-accepted audit principles in order to establish to a scientifically appropriate level of confidence that any incorrect outcomes will be detected in time to be remedied prior to certification of results.
- (d) The Secretary shall immediately order the counties to cause the scanning and tabulation software options used in the current version of its Dominion Voting System for hand marked ballots to be set to count all votes for which the voter intent can be determined. The accuracy and effectiveness of such settings should be tested during the counties' routine Logic and Accuracy Testing. Plaintiffs shall have the right to observe the testing and verify the accuracy of the system for counting a variety of hand made marks likely to be found in hand marked ballots.

(e) The Secretary shall immediately issue Logic and Accuracy Testing instructions and procedures to counties that contain at least the requirements set out in Georgia statutes governing pre-election equipment testing.

SO ORDERED this ____ day of _____, _____.

Amy Totenberg
United States District Court Judge

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CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing document has been prepared in accordance with the font type and margin requirements of LR 5.1, using font type of Times New Roman and a point size of 14.

/s/ Bruce P. Brown
Bruce P. Brown

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CERTIFICATE OF SERVICE

This is to certify that I have this day caused the foregoing COALITION PLAINTIFFS' PROPOSED ORDER GRANTING MOTION FOR ADDITIONAL INJUNCTIVE RELIEF to be served upon all other parties in this action by via electronic delivery using the PACER-ECF system.

This 24th day of August, 2020.

/s/ Bruce P. Brown
Bruce P. Brown